

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LOIS KAMINSKI, Individually and as Administratrix of
The Estate of JAMES F. FITZGERALD, Deceased,

Plaintiff,

v.

UNITED STATES OF AMERICA, by and through its
officers, agents and/or employees; JOSEPH P. MARKHAM,
M.D., individually and as an officer, agent and/or employee
of ST. JOSEPH'S HEALTH CENTER and ST. JOSEPH'S
HEALTH CENTER, by and through its officers, agents
and/or employees,

Defendants.

**NOTICE OF MOTION
FOR SUMMARY
JUDGMENT**

**Civil Action No.:
5:14-CV-1441 (GLS/ATB)**

MOTION MADE BY:

Mackenzie Hughes LLP, on behalf
Defendant Joseph P. Markham, M.D.

**DATE, TIME and PLACE OF
HEARING:**

The 19th day of October, 2017, at
9:00 a.m. at a Motion Term of the U.S.
District Court, Northern District of New
York, Albany, New York.

SUPPORTING PAPERS:

Affidavit of Jennifer P. Williams, Esq.,
sworn to the 12th day of September, 2017,
with the exhibits attached thereto, Affidavit
of Joseph P. Markham, M.D. sworn to the
30th day of August, 2017, with exhibit
attached thereto, Affidavit of Joel Bartfield,
M.D., sworn to the 25th day of August, 2017
with exhibits attached thereto, Statement of
Material Facts, and Memorandum of Law.

RELIEF DEMANDED:

An Order pursuant to Fed. R. Civ. P. 56
granting the Defendant Joseph P. Markham,
M.D.'s, summary judgment; dismissing
Plaintiff's complaint in its entirety, along
with any cross-claims with prejudice as
against Defendant, Joseph P. Markham,

M.D.; and granting the Defendant such other relief as the Court deems proper.

ANSWERING AFFIDAVITS:

Demand is made that answering affidavits, if any, be served pursuant to Local Rule 7.1.

Dated: September 12, 2017

MACKENZIE HUGHES LLP

By:



Jennifer P. Williams, Esq.

Bar Roll No. 511044

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Attorneys for Defendant Joseph P.

Markham, M. D.

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